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Law

TRANSMITTAL FORM

(to be used for all correspondence after initial filing)

Application Number	10/698,439
Filing Date	November 3, 2003
First Named Inventor	Christine A. FRANKE et al.
Art Unit	1636
Examiner Name	Nancy S. Vogel
Attorney Docket Number	704787-2001

ENCLOSURES (check all that apply)

<input checked="" type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input checked="" type="checkbox"/> Response to Restriction Requirement <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Reply to Missing Parts/ Incomplete Application <input type="checkbox"/> Reply to Missing Parts under 37 CFR1.52 or 1.53	<input type="checkbox"/> Formal Drawing(s) (sheets) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition to Correct Inventorship <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____ <input type="checkbox"/> Landscape Table on CD	<input type="checkbox"/> After Allowance Communication to TC <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input type="checkbox"/> Other Enclosure(s) (please identify below):
Remarks		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm			
Signature			
Printed Name	Malcolm K. McGowan, Ph.D.		
Date	July 12, 2006	Reg. No.	39,300

CERTIFICATE OF TRANSMISSION/MAILING

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below.

Signature			
Typed or printed name		Date	

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of)	
)	
Christine A. FRANKE et al.)	Group Art Unit: 1636
)	
Application No.: 10/698,439)	Examiner: Nancy S. Vogel
)	
Filed: November 3, 2003)	Confirmation No.: 1516
)	
For: NEW INTERGENIC AND)	
INTRAGENIC INTEGRATION SITES)	
FOR FOREIGN GENE EXPRESSION IN)	
RECOMBINANT <i>S. GORDONII</i> STRAINS)	

RESPONSE TO RESTRICTION REQUIREMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In response to the Restriction Requirement dated June 16, 2006, in connection with the above-referenced application, Applicants elect Group I (claims 1-12; drawn to a plasmid for expression of foreign genes in gram positive bacterial, comprising orfA and orfB) with traverse.

According to MPEP 803, “[i]f the search and examination of all the claims in an application can be made without serious burden, the examiner must examine them on the merits even though they include claims to independent or distinct inventions.” The claims of both Groups I and II are closely related, as evidenced by their both being classified in class 435, subclass 320 (*See Official Action, page 2*). In view of this close relationship, Applicants respectfully submit that a complete search for both groups of claims would necessarily overlap, such that it would not pose a serious burden on the Examiner to search and examine all of the


claims at one time. Accordingly, withdrawal of the Restriction Requirement, and examination of all the claims of record on the merits is respectfully requested.

In the event that there are any questions relating to this Response or to the application in general, it would be appreciated if the Examiner would contact the undersigned attorney by telephone at (202) 373-6000 so that prosecution of the application may be expedited.

The Director is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. 50-2518.

Sincerely,

Date: July 12, 2006


Malcolm K. McGowan, Ph.D.
Registration No. 39,300

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